

United States District Court District of Massachusetts

TIMOTHY MACDONALD,
Plaintiff,

v.

CIVIL ACTION NO. 12-11056-GAO/RBC

ANDREA CABRAL, ET AL.,
Defendants.

ORDER: MOTION FOR EXEMPTION

COLLINGS, M.J.

By Electronic Order dated November 6, 2012, plaintiff MacDonald's motion for leave for access to CM/ECF was granted. See Docket No. 46. Now before the Court is MacDonald's motion seeking exemption from the fees imposed by the Electronic Public Access Fee Schedule adopted by the Judicial Conference of the United States Courts. See Docket No. 43.

A district court has the authority, under certain circumstances and upon motion, to exempt certain persons or classes of persons from the fees associated with PACER use. See 28 U.S.C. § 1914 (setting forth the Judicial Conference's Electronic Public Access Fee Schedule and Policy Notes). The Judicial Conference's Electronic Public Access Fee Schedule states, in part:

[C]ourts may, upon a showing of cause, exempt indigents...from payment of

these fees. Courts must find that parties from the classes or entities listed above seeking exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

The Court finds that MacDonald falls within the class of users listed in the fee schedule as being eligible for a fee waiver. Additionally, plaintiff has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, the plaintiff shall be exempt from the payment of fees for PACER and/or ECF usage. This exemption covers only fees associated with filing and accessing the electronic documents in this action. Plaintiff shall not be exempt from the payment of fees incurred in connection with other uses of the ECF or PACER system in this court. Unless otherwise ordered, this exemption is valid through the conclusion of this case. Based upon the foregoing, plaintiff's motion (Docket No. 43) for a fee exemption for PACER/ECF usage is allowed. A copy of this Order shall be sent to the PACER Service Center.

SO ORDERED.

/s/ Robert B. Collings

ROBERT B. COLLINGS

United States Magistrate Judge

December 10, 2012